

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
(if known)

ACKNOWLEDGMENT AND WAIVER OF RIGHTS
FELONY

I, _____ of _____,

my attorney being _____ do hereby freely and voluntarily make the following statements which I understand shall apply to each and every indictment, if there be more than one, to which I intend to plead GUILTY.

I have discussed this present plea of GUILTY to the charge in the indictment with my attorney who has explained the nature of the charge to me. I fully understand the charge of which I stand accused, which is:

I understand that I am under no obligation to plead GUILTY, and that even after signing this form I am still under no obligation to plead GUILTY.

I understand that by pleading GUILTY to the indictment I am giving up the following constitutional rights at to that crime.

MY RIGHT to a speedy and public trial.

MY RIGHT to a trial by Jury

MY RIGHT to see, hear, and question all witnesses. This gives me the opportunity and right to confront my accusers and cross-examine them myself or through my attorney

MY RIGHT to present evidence and call witnesses in my favor and to testify on my own behalf.

MY RIGHT to remain silent if I choose, which is my right against self-incrimination, and the jury can draw no inference of guilt from my silence.

MY RIGHT to have the Judge order into court all evidence and witnesses in my favor.

MY RIGHT to have my lawyer continue to defend me, and to present all defenses that I may have.

MY RIGHT not to be convicted except by proof beyond a reasonable doubt with respect to all elements of the charge, which have been explained to me by my attorney.

MY RIGHT to have excluded from evidence any confessions or other evidence obtained in violation of my constitutional rights.

MY RIGHT to appeal, if convicted.

I GIVE UP ALL THE ABOVE RIGHTS OF MY OWN FREE WILL.

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ACKNOWLEDGMENT AND WAIVER OF RIGHTS - FELONY

I understand that by pleading GUILTY I am admitting to the truth of the charge against me in the indictment, and that, on my admission that I am GUILTY and the Judge's acceptance of my GUILTY plea, a conviction will be entered against me.

I am pleading GUILTY because I am GUILTY. I admit that I committed the acts charged in the indictment and that I committed the acts _____ (state of mind). No force has been used upon me, nor have any threats been made to me, by any member of the Prosecutor's Office or anyone else in an effort to have me enter this plea of GUILTY to the indictment. No promises have been made to me by any member of the Prosecutor's Office or anyone else in the effort to have me enter this plea of GUILTY to the indictment, except as follows:

However, I understand that the Judge is not bound by the Prosecutor's recommendation as to sentence. I understand that I may withdraw my plea if the Judge exceeds the limits of a negotiated plea.

I understand as a consequence of my plea of GUILTY that the Judge may impose such sentence as in his/her discretion s/he considers appropriate, subject, however, to those limits prescribed by law. My attorney, with whose services I am satisfied, has advised me of the penalties that the Judge can impose for the crime to which I have pleaded GUILTY. I understand that his charge against me is a Class _____ Felony and that the maximum penalty is _____ years, and that in addition a fine may be imposed not to exceed \$ _____ dollars.

I understand that even though I am pleading GUILTY and giving up my right to call witnesses and testify myself, that this does not apply to the calling of witnesses and testifying on the question of the sentence to be imposed.

I am not under the influence of drugs or alcohol.

ALL OF THESE STATEMENTS THAT I HAVE GIVEN TODAY IN THIS ACKNOWLEDGMENT AND WAIVER OF RIGHTS ARE TRUTHFUL AND VOLUNTARILY GIVEN.

I do not have any questions at this time of my attorney or of the Prosecutor's Office. If there are any questions of the Judge or if there is anything I would like to say prior to sentencing in this case, my attorney will make this known to the Judge at the time of my plea to this indictment. I understand the entire contents of this Acknowledgment and Waiver of Rights, and I freely and voluntarily sign this form below. I also understand that I may have a copy of this form upon request.

Date

Defendant

As counsel for the defendant, I have thoroughly explained to the defendant all the above, including the nature of the charge, the elements of the offense which the State must prove beyond a reasonable doubt and the maximum and minimum penalties. I believe the defendant fully understands the meaning of this Acknowledgment and Waiver of Rights, that s/he is not under the influence of drugs or alcohol, and that s/he knowingly, intelligently and voluntarily waives all of his/her rights as set forth in this form.

Date

As Counsel for the Defendant

The undersigned Justice of the _____ Court, having inquired into the education and background of the defendant, is satisfied that s/he fully understands all of his/her rights as set forth above, and that s/he is not under the influence of drugs or alcohol. Court finds that the defendant has the mental capacity to evaluate these rights and, having done so, to knowingly and intelligently waive all of his/her rights as set forth in this form, and the defendant does knowingly, intelligently, and voluntarily waive those rights.

Date

Presiding Justice